

**JANUARY 2004 AGENDA**

SUBJECT Golden State Seal Merit Diploma: Approve Commencement of the Rulemaking Process for Proposed Additions to Title 5 Code of Regulations	<input checked="" type="checkbox"/>	Action
	<input checked="" type="checkbox"/>	Information
	<input type="checkbox"/>	Public Hearing

Recommendation:

It is recommended that the State Board of Education (SBE) approve the proposed Title 5 Regulations for the Golden State Seal Merit Diploma, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking and direct staff to commence the rulemaking process.

Summary of Previous State Board of Education Discussion and Action

As required by *Education Code* Section 51452, in November 2003, SBE approved in concept the use of a combination of Golden State Examination (GSE) results and California Standards Test (CST) scaled scores of 370 or above on designated CSTs as the means of demonstrating mastery of the high school curriculum and directed staff to draft regulations.

Summary of Key Issue(s)

- AB1266, Chapter 573, Statutes of 2003 repealed the GSE Program.
- GSEs were designated as the means of demonstrating mastery of the high school curriculum to be eligible to receive a Golden State Seal Merit Diploma. *California Education Code* section 51452(a).
- No statutory changes were made to the Golden State Seal Merit Diploma Program.
- *Education Code* Section 51452 requires the SBE to adopt a means and performance standards by which students may demonstrate mastery of the curriculum.
- SBE approved in concept the use of CST scaled scores, in addition to the use of previously earned GSE scores, to enable students to continue to qualify for the Golden State Seal Merit Diploma.
- No Title 5 Regulations were developed previously for the Golden State Seal Merit Diploma.
- Regulations detailing the new eligibility requirements for the Golden State Seal Merit Diploma have been developed.

Fiscal Analysis (as appropriate)

Fiscal analysis will be provided as a Last Minute Memorandum.

Attachment(s)

[Attachment 1](#): Notice of Proposed Rulemaking (Pages 1-4)

[Attachment 2](#): Initial Statement of Reasons (Pages 1-2)

[Attachment 3](#): Proposed Regulations (Pages 1-3)

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street
Sacramento, CA 95814-5901



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Golden State Seal Merit Diploma

[Notice published _____, 2004]

The State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The SBE will hold a public hearing beginning at 10 a.m. on _____, 2004, at 1430 N Street, Room _____, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on _____, 2004**. SBE will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the SBE's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 95814
E-mail: dstrain@cde.ca.gov
Telephone: (916) 319-0860
FAX: (916) 319-0155

AUTHORITY AND REFERENCE

Authority: Sections 12001, 33031, 51450, 51451, 51452, 51453, 51454, 51455, 60603, 60607, 60640, 60641, and 60642.5, Education Code.

Reference: Sections 60615, 60640, 60642, and 60642.5, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Education Code section 33031 states, “The board shall adopt rules and regulations not inconsistent with the laws of this state (a) for its own government, (b) for the government of its appointees and employees, (c) for the government of the day and evening elementary schools, the day and evening secondary schools, and the technical and vocational schools of the state, and (d) for the government of other schools, excepting the University of California, the California State University, and the California Community Colleges, as may receive in whole or in part financial support from the state.

Education Code section 51452 requires the SBE to adopt a means and performance standards by which students may demonstrate mastery of the curriculum. The purposes of the proposed regulations are to specify the California Standards Tests and scores that students may use to demonstrate mastery of the curriculum in order to qualify for the Golden State Seal Merit Diploma and to provide for a phase out of the use of Golden State Examination results to demonstrate such mastery. These regulations are needed because the Golden State Examinations that were used previously to identify students eligible to receive the diploma were eliminated by the California Legislature. However, the laws related to awarding Golden State Seal Merit Diplomas remain intact.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: To be determined.

Cost or savings to any state agency: To be determined.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: To be determined.

Other non-discretionary cost or savings imposed on local educational agencies: To be determined

Cost or savings in federal funding to the state: To be determined.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: To be determined.

Cost impacts on a representative private person or businesses: To be determined.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: To be determined.

Affect on small businesses: To be determined.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Vicki Perez, Associate Governmental Program Analyst
Standards and Assessment Division
California Department of Education
1430 N Street, 5th Floor
Sacramento, CA 95814
E-mail: vperez@cde.ca.gov
Telephone: (916) 445-9441

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this notice. If the SBE makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the SBE adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The SBE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

Initial Statement of Reasons

SECTION 876. Golden State Seal Merit Diploma.

SPECIFIC PURPOSE OF THE PROPOSED REGULATIONS

Education Code Section 51452 requires the SBE to adopt a means and performance standards by which students may demonstrate mastery of the curriculum. The purposes of the proposed regulations are to specify the California Standards Tests and scores that students may use to demonstrate mastery of the curriculum in order to qualify for the Golden State Seal Merit Diploma and to provide for a phase out of the use of Golden State Examination results to demonstrate such mastery.

NECESSITY/RATIONALE

The California Legislature eliminated the Golden State Examination Program, thus eliminating the Golden State Examinations (GSE) that had been used previously to demonstrate mastery of the curriculum and identify students eligible to receive the Golden State Seal Merit Diploma. No statutory changes were made to the Golden State Seal Merit Diploma. The State Board of Education (SBE) and the State Superintendent of Public Instruction determined that students could demonstrate mastery of the curriculum using a combination of GSE results and California Standards Test (CST) scores. These regulations are proposed to provide:

- The CSTs that may be used to demonstrate mastery of the curriculum.
- The score required for each CST that is used for the diploma.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The SBE received a summary of comparative data from the California Department of Education (CDE) using CST and GSE scores to meet the requirements of the *California Education Code* sections 51450 through 51453. In November 2003, the SBE reviewed the following information and approved the CDE recommendation of Option 2:

The CDE staff analyzed GSE and CST data to identify CST scaled scores comparable to GSE results of recognition, honors, and high honors and identified the following three options:

1. Students must earn the advanced performance level on each CST used to qualify for the Diploma.
2. Students must earn a scaled score of 370 or above on each CST used to qualify for the Diploma.

3. Students must earn specific scaled scores that equate to the GSE performance levels of recognition, honors, and high honors for each CST used to qualify for the Diploma.

The scaled score of 370 or above (Option 2) comes reasonably close to duplicating the 2002 Diploma rates and provides district/school personnel with an easier process for identifying eligible students and verifying scores.

REASONABLE ALTERNATIVE TO THE PROPOSED AMENDMENTS AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternative is available for specifying tests that are "appropriately rigorous" as required by *California Education Code* section 51452. Regulations are needed to identify the subject matter examinations and the scaled scores on those examinations that students may use to qualify for the Golden State Seal Merit Diploma.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

SBE has determined that the proposed regulations would have no adverse impact on small businesses.

EVIDENCE SUPPORT FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business because they only apply to Local Educational Agencies and their subgrantees.

Title 5. EDUCATION

Division 1. State Department of Education

Chapter 2. Pupils

Subchapter 3.75. Standardized Testing And Reporting Program

Add Article 2.5 and Section 876 to read:

Article 2.5. Golden State Seal Merit Diploma

§ 876. Golden State Seal Merit Diploma.

For the purposes of the Golden State Seal Merit Diploma:

(a) “Demonstration of mastery” or “demonstrate mastery” means earning a scaled score of 370 or above on a California Standards Test (CST), as set forth in Education Code Section 60642.5, or a performance level of recognition, honors, or high honors on a Golden State Examination (GSE).

(b) Mastery must be demonstrated on six separate GSEs or high school level CSTs, not including the Algebra I CST, General Mathematics CST, and Integrated Mathematics 1 CST.

(c) Students may not use both a CST and the GSE in the same course of study to demonstrate mastery of the curriculum under Education Code Section 51452.

NOTE: Authority cited: Sections 33031, 51450 and 51451, Education Code. Reference: Sections 51450 , 51451 and 51452, Education Code.

12-16-03